

**Minutes of Meeting  
Grafton Planning Board  
April 28, 2008**

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A regular meeting of the Grafton Planning Board was held on Monday, April 28, 2008 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Vice-Chairman, Robert Hassinger, Clerk Keith Regan, Donald Chouinard and Richard McCarthy. Absent from the meeting were Chairman Peter Parsons and Associate Member Christophe G. Courchesne. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Vice-Chair Hassinger called the meeting to order at 7:00 p.m.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL - "FERRY RIDGE ESTATES" SUBDIVISION - INDIVIDUAL LOT, L.L.C. (APPLICANT/OWNER) - REDESIGN APPROVED DRAINAGE PLAN**

Mr. Regan read the legal notice and Vice-Chair Hassinger opened the public hearing at 7:00 p.m. David Calarese of Individual Lot, L.L.C. and Engineer Peter Lavoie of Guerrierre & Halnon Engineering, Inc.

Mr. Bishop recapped the progress of the redesign work, stating the plans were a combination of onsite drainage and the Ferry Street outfall, all of which has been reviewed and approved by Graves Engineering. Mr. Bishop added that MassDEP has reviewed LRC Development's proposal to construct a water quality swale to redirect stormwater from the construction site and surrounding areas to a point further from the South Grafton Water District's Ferry Street well. MassDEP has indicated they have no objection to the proposal with condition that they have on-site controls to reduce sediment from leaving the construction site.

Mr. Bishop noted the two remaining outstanding issues were final sign-off from the South Grafton Water District and specifically the Grafton DPW, from whom they are waiting for endorsement.

Mr. Calarese stated the Board could approve the modification on the letters to be received, or continue the public hearing.

Mr. Bishop also noted the applicant was additionally requesting the Board's extension to their construction deadline which has expired during these public hearings.

Mr. McCarthy stated he would like final approval from DPW before closing the hearing and approving the modification.

Mr. Bishop informed the Board their next regularly scheduled meeting was May 19 or they could post a special meeting prior to the scheduled Town Meeting on May 12.

Mr. Regan noted he would like to have a decision ready to vote on if the Board is meeting on May 12 prior to Town Meeting.

**MOTION** by Mr. McCarthy, **SECOND** by Mr. Regan, to accept the applicant's written request to continue the public hearing to May 12, 2008 at 6:45 p.m. **MOTION** carried unanimously 4 to 0.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “MAGNOLIA FARMS”  
SUBDIVISION – WEBSTER BANK, N.A. (APPLICANT/OWNER) – EXTEND  
CONSTRUCTION DEADLINE**

Mr. Regan read the legal notice and Vice-Chair Hassinger opened the public hearing at 7:09 p.m. Attorney Thomas Vangel of Murtha Cullina LLP was present representing Webster Bank.

Mr. Bishop informed the Board that he had received revised plan sets and contractors bid documents at the Planning Office today.

Attorney Vangel discussed with the Board Webster Bank's rights to exercise its power in taking over the “Magnolia Farms” subdivision, after efforts failed to rehabilitate the project with Mr. Moloney. Attorney Vangel stated they had retained a construction management firm to oversee the completion and provide draft documents of the subdivision, which Graves Engineering has reviewed and added additional items and concessions.

Attorney Vangel noted they would be having an on-site bid conference on Thursday, have bids returned by May 14<sup>th</sup>, award bids within a week, and start work by June 1<sup>st</sup>. Attorney Vangel stated that Webster Bank appreciates the courtesy and cooperation the Planning Board has shown them and the intention is to get the work done quickly and well in an estimated 90 day period.

Michael Lyber of 19 Magnolia Lane asked Mr. Bishop if he thought 90 days was a creditable statement for completion of the work discussed. Mr. Bishop remarked that the estimate of time was certainly credible and achievable within a 90 day timeframe and most definitely by the end of the construction season for 2008.

Mr. Regan was concerned if the timeframe was taken into consideration when awarding the bid packages and the time completion estimate was made by the Construction Insight.

Dennis Labounty of 16 Magnolia Lane noted several additional tasks that needed to be performed, including the topcoat of asphalt and specifically vacant lots under the ownership of Mr. Moloney, loaded with debris, including an abandoned truck leaking hydraulic fluid into the basins.

Attorney Vangel informed the abutters that Mr. Moloney has no further ownership of the Magnolia Farms properties, which are now Webster Bank collateral, and he will contact Mr. Moloney's lawyer with regard to handling the issues directly related to Mr. Moloney.

Mr. Bishop noted he thought there may be one lot and then an area of Open Space and suggested if the lot is buildable, something can be done to make it marketable.

Mr. Labounty asked about the homeowners forming an association in their interests to keep the area groomed, etc. Attorney Vangel offered his business card to the abutters and stated he will work with them as homeowners to help resolve the issues.

Joseph Campisi of 14 Magnolia Lane stated that Mr. Moloney had charge of the Homeowners Association with the homes he sold, but that he had purchased his home from another person other than Mr. Moloney and was concerned with the connection of all the homeowners within the subdivision into the Association. Attorney Vangel stated he would research the summary document for the Homeowners Association for all of the homeowners to view.

John Stephens of 11 Willard Street informed the Board that he had spoken with Mr. Bishop concerning the removal of a good portion of the stone wall bordering his property line by the previous construction crew working for Magnolia Farms. Mr. Stephens noted a fence was put up in its place, with no discussion or permission granted for this work. Mr. Stephens stated he had spoken with Mr. Bishop with regard to any funds available from the bank to replace it and wished to make a statement for the record that he is owed this portion of the stone wall to be replaced if funds become available to replace it.

Mr. Campisi stated he thought it was a good idea for the homeowners within the subdivision to have some sort of contact with the construction manager hired to oversee this project. Mr. Campisi noted there are still some trees to be placed on some of the homeowners' properties and there should be some dialogue before any work is started.

Attorney Vangel offered to forward Mr. Campisi's contact information to Dennis Durante, who is the construction manager, and give him the information on what has been discussed.

Vice-Chair Hassinger requested Attorney Vangel have the bank look into Mr. Stephens issue also.

Mr. Bishop noted there is a fair amount of work left to complete the subdivision.

Mr. Stephens also wished to add that there is a 2 inch drop-off at the edge of the roadway near the eastern side, which was supposed to be part of the drainage repair work done on the roadway.

Mr. Labounty asked if there could be some sort of contact with the homeowners prior to any tree placement within the subdivision, specifically with any backhoe digging involved.

Vice-Chair Hassinger stated the tree details should be on the plans, but homeowners should be asked if they want the trees at this point, since they are being placed at such a late date.

**MOTION** by Mr. Regan, **SECOND** by Mr. McCarthy, to close the public hearing. **MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. Regan, **SECOND** by Mr. McCarthy, to grant the applicant's written request to extend the construction deadline for one year to April 28, 2009. **MOTION** carried unanimously 4 to 0.

**ZBL 2008-1 CREATION OF NEW SECTION 11 – CHAPTER 43D PRIORITY DEVELOPMENT OVERLAY DISTRICT (PDOD)**

**ZBL 2008-2 – VARIOUS TECHNICAL AMENDMENTS AND MINOR SUBSTANTIVE CHANGES TO SECTIONS 1,2,3,4,5, & 7 OF THE ZONING BY-LAW.**

Mr. Bishop informed the Board that at the last hearing issues were raised concerning the language and general amendments to the by-law. Mr. Bishop stated that a detailed document of proposed changes was received from Attorney Sudmyer and forwarded to Town Counsel. Mr. Bishop advised that Town Counsel had reviewed all the changes and had no problem with any of the proposed changes and they were included into the prepared document.

Vice-Chair Hassinger stated he was not sure about some of the changes as he was reading the document, but is not concerned if Town Counsel has stated that nothing changes the intent.

Jean Poteete, representing Tufts University and Attorney Sudmyer, noted that Attorney Sudmyer had provided the detailed document, they had met with Mr. Bishop, who conferred with Town Counsel and the changes were included in the new document.

**MOTION** by Mr. Regan, **SECOND** by Mr. McCarthy, to close the public hearing. **MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. Regan, **SECOND** by Mr. McCarthy, to recommend approval of the new Section 11 – Chapter 43D Priority Development Overlay District and the various technical amendments and minor substantive changes to Sections 1,2,3,4,5, & 7 of the Zoning By-law as discussed and amended, consistent with the latest changes from Attorney Robert Sudmyer.

**DISCUSSION:** The Board discussed who and how the proposed amendments will be presented at Town Meeting. Mr. Bishop noted that Attorney Penski will be presenting the overview at Town Meeting of the changes and their purpose. The Board noted that the Finance Committee was currently opposing the articles for the amendments, for lack of information.

Vice-Chair Hassinger stated the Planning Board should give its report after Town Counsels presentation and state its support for all of the reasons stated.

**MOTION** carried unanimously 4 to 0.

**ACTION ITEM 2-A – REQUEST TO EXTEND CONSTRUCTION DEADLINE – FOREST HILL COMDOMINIUMS, PHASE VII – COMMONS DEVELOPMENT GROUP, INC. (PETITIONER)**

John McBride of Commons Development Group, Inc. was present requesting a one-year extension to the construction deadline for the Forest Hills Condominiums. Mr. McBride updated the Board on the status of Forest Hills, Phase VII, stating that in light of the current real estate market conditions, there are ten buildings completed of fourteen proposed lots, and two additional buildings in various stages of completion. Mr. McBride stated all site work and infrastructure, all underground piping and hookups, all base paving and finish paving on roads & driveways within 80% of the community have been completed. The remaining finish coat and landscaping will be completed as the remaining buildings are finished.

**MOTION** by Mr. Regan, **SECOND** by McCarthy, to accept the petitioner's written request to extend the construction deadline for one year to April 28, 2009. **MOTION** carried unanimously 4 to 0.

**CONSIDER DECISION – SP 2008-5 GRAFTON GIRLS SOFTBALL ASSOCIATION, INC. – NELSON MEMORIAL PARK 6 PRENTICE STREET FIELD HOUSE**

The Board noted they had invoked the Mullin Rule, having Mr. McCarthy and Mr. Chouinard view a taped copy of the meeting they had missed in order to have four voting members for Special Permit SP 2008-5.

Mr. McCarthy requested that C6 & C14 of the decision be consolidated, since they were essentially the same. Mr. McCarthy also asked with regard to Finding 8 on the roughing in of future facilities, if the applicant would be required to return to the Planning Board or go before the Board of Health. Ms. Morgan noted that any change or modification would be captured in Condition #6 with regard to the project.

**MOTION** by Mr. McCarthy, **SECOND** by Mr. Regan, for favorable Findings for F1 to F13. **MOTION** carried 4 to 0 by roll call vote: Chouinard-aye; Hassinger-aye; Regan-aye; McCarthy-aye.

**MOTION** by Mr. McCarthy, **SECOND** by Mr. Regan, for favorable Findings for F14 to F28. **MOTION** carried 4 to 0 by roll call vote: Chouinard-aye; Hassinger-aye; Regan-aye; McCarthy-aye.

**MOTION** by Mr. McCarthy, **SECOND** by Mr. Regan, to grant Waivers W-1 to W3, as stated. **MOTION** carried 4 to 0 by roll call vote: Chouinard-aye; Hassinger-aye; Regan-aye; McCarthy-aye.

**MOTION** by Mr. McCarthy, **SECOND** by Mr. Regan, to grant Special Permit SP 2008-5 with the Findings and Conditions, as discussed and amended. **MOTION** carried 4 to 0 by roll call vote: Chouinard-aye; Hassinger-aye; Regan-aye; McCarthy-aye.

**DISCUSSION ITEM – REQUEST FOR PLANNING BOARD DETERMINATION  
FOR A RECORDING SECRETARY FOR SPECIAL PERMIT SP 2008-7 – NEW  
CINGULAR WIRELESS – CO-LOCATION – 160 REAR UPTON STREET**

Vice-Chair Hassinger stated that if the co-location was going on the existing tower, below the first array, and was the same class of antenna array, he did not think it required a transcript of the public hearing.

Mr. Regan noted that he would prefer the applicant retain a recording secretary to document the footage of the co-location with regard to the initial request for the actual height of the cell tower, specifically to allow for the use of co-locations.

Vice-Chair Hassinger received unanimous consent to direct Staff to send a letter with regard to the booking of the rooms directly above Conference Room A on Planning Board meeting nights, to reduce the noise interference during the meetings.

**MINUTES OF PREVIOUS MEETINGS**

**MOTION** by Mr. Chouinard, **SECOND** by Mr. McCarthy, to approve the open session minutes of April 7, 2008 as drafted. **MOTION** carried unanimously 4 to 0.

**STAFF REPORT**

Mr. Bishop informed the Board that an application for the “Brigham Hill Estates” Subdivision Definitive Plan had been filed and will be placed on an upcoming agenda.

Mr. Bishop also noted that there has been a slow down on the intersection reconstruction of Routes 122 & 122A, which has already been approved by Mass Highway. Mr. Bishop

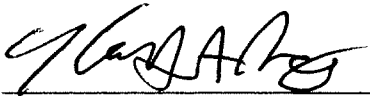
stated DPW Superintendent Toma Duhani has required the project go back before the Board of Selectmen for stop signs to be installed.

Mr. Regan asked whether Grafton DPW has signed off on the Bruce Street/South Street/Old Upton Road intersection work and if there is a condition where John Magill needs to come back to the Planning Board for the actual sign off of the work being completed satisfactorily in order to receive a Certificate of Occupancy for the Clubhouse of Highfields.

Mr. Regan also questioned about figuring out another way to move forward on the Master Plan without the funds available at this time.

**MOTION** by Mr. McCarthy, **SECOND** by Mr. Chouinard, to adjourn the meeting.  
**MOTION** carried unanimously.

The meeting was adjourned at 8:33 p.m.



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Keith A. Regan, Clerk